

2. Claims Rejections

Claims 1 – 15 and 31 – 35 have been examined. All of the claims stand rejected under 35 U.S.C. §102 as anticipated by U.S. Pat. No. 6,341,271 (“Salvo”) or under 35 U.S.C. §103 as obvious over Salvo. Independent claims 1, 31, and 32 have been amended to better characterize the invention. Salvo neither teaches nor suggests the combination of limitations now claimed.

Salvo discloses an inventory management system that is designed specifically for receptacles that hold a single type of item.¹ This is evident, for example, from the fact that the amount of inventory in a receptacle is determined by using a sensor that permits a determination of volume (or a surrogate for volume, such as weight and density of the inventory) (Salvo, Col. 4, ll. 46 – 58). In marked contrast, the pending claims instead require providing a plurality of dispensing units that each hold a plurality of each of multiple distinct items (*see, e.g.*, Application, Fig. 1 showing a dispensing unit 10 holding a plurality of each of multiple distinct items; *see also id.*, p. 9, ll. 25 – 26). For example, the dispensing unit could hold a plurality of gauze pads and a plurality of bandage packages, with the gauze pads and bandage packages corresponding to distinct items. The capacity for such a dispensing unit to accommodate multiple distinct items makes it of a fundamentally different character than the single-item receptacle discussed in Salvo.

This fundamental difference is further manifested in the claim limitations that require “aggregating the restock quantities over the plurality of dispensing units for each of the multiple distinct items” (*see id.*, p. 10, ll. 12 – 13). This limitation is neither taught nor suggested in Salvo since Salvo fails even to contemplate that restock quantities

¹ The Office Action provides the example of “mixed feed” as something that may be held by the receptacles (Office Action, p. 4). This is not an example provided in Salvo. Assuming *arguendo* that this is form of inventory suitable for the Salvo receptacles, the mixture of feed is properly considered to be a single type of item, not to be a plurality of distinct items — what is relevant is only the total amount of the mixture, not independent quantities of components of the mixture.

could be available for multiple distinct items in a plurality of dispensing units. Applicants further note that even an attempt to modify Salvo to use the multiple-item dispensing units recited in the claims would require changing the principle of operation of Salvo and/or would render Salvo unsuitable for its intended purpose. In particular, substitution of the single-item receptacles of Salvo with the multiple-item dispensing units would not result in the claimed invention since Salvo still fails to provide any disclosure of aggregating restock quantities for multiple distinct items, a limitation that is, moreover, not inherent in the multiple-item dispensing units themselves.

The rejections of Claims 12 – 15 rely either on inherency or Official Notice that receipts are sent for confirmation purposes in electronic commerce (Office Action, p. 10). Both these bases are respectfully traversed. Claim 12 requires that the confirmation receipt be sent *from the dispensing units*. First, inherency requires that the element *necessarily* be present in the reference. MPEP 2112. The Office Action provides no basis for its assertion that the limitation is inherent, and Applicants are unable to discern from Salvo any necessity that a confirmation receipt be sent from the receptacles. Second, taking Official Notice that receipts are sent for confirmation purposes in electronic commerce ignores the part of the limitation that the confirmation receipt be sent from the dispensing units. Applicants accordingly request a showing of documentary proof. MPEP 2144.03.

Claims 1 – 15 and 31 – 35 also stand rejected under the second paragraph of 35 U.S.C. §112 for their use of the word “type.” While Applicants do not agree that the MPEP section cited in the Office Action precludes the use of the word “type” as it was originally used in the claims, the rejection is believed obviated by the amendments.

An Appendix is provided to highlight the changes made to the claims by underlining added material and by enclosing deleted material in square brackets.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



Patrick M. Boucher
Reg. No. 44,037

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300
PMB:pmb
DE 7091243 v1

APPENDIX: VERSION WITH MARKINGS TO SHOW CHANGES MADE

The changes made to the claims by the foregoing Amendment are highlighted below by underlining added material and enclosing deleted material in square brackets.

Claims 1, 31, and 32 have been amended.

1. (Amended) A method for supplying items to a plurality of dispensing units, the method comprising:

providing a plurality of dispensing units that each hold a plurality of **[at least one type of]** each of multiple distinct items, wherein the units have a processor and a memory for storing a record of inventory levels of each distinct item;

periodically sending restocking information from the dispensing units over a network to a server computer, wherein the restocking information includes a restock quantity for each distinct item;

aggregating the restock quantities over the plurality of dispensing units for each of the multiple distinct items;

generating ordering information for the items to be restocked based on the aggregated restocking information; and

electronically sending the ordering information to one or more supplier computers to order items to be restocked into the dispensing units.

2. (As Filed) A method as in claim 1, further comprising polling the dispensing units over the network using the server computer to obtain the quantities of the items to be restocked.

3. (As Filed) A method as in claim 1, further comprising generating the ordering information using the server computer, and wherein the ordering information generating step further comprises determining supplier information for the items to be ordered.

4. (As Filed) A method as in claim 3, electronically sending the ordering information from the server computer to an application computer having a hosted procurement application.

5. (As Filed) A method as in claim 4, accessing the hosted procurement application to view the ordering information on a display screen of a user computer, and further comprising producing one or more pages on the display screen of the user computer to permit the ordering information to be approved, modified or canceled.

6. (As Filed) A method as in claim 5, further comprising sending the ordering information from the application computer to an electronic requisition and purchasing system, and further comprising generating one or more electronic purchase order numbers using the electronic requisition and purchasing system and electronically sending the purchase order number to the application computer.

7. (As Filed) A method as in claim 6, further comprising electronically sending the purchase order number and the supplier information from the application computer to a business portal computer, and electronically sending the purchase order number from the business portal computer to the supplier computer based on the supplier information.

8. (As Filed) A method as in claim 7, further comprising electronically sending an advanced shipping notice from the supplier computer, to the business portal computer, to the application computer and to the server computer, wherein the advanced

shipping notice includes information on items to be shipped, their quantities and a date of shipment.

9. (As Filed) A method as in claim 8, further comprising electronically sending information contained in the advanced shipping notice from the server computer to the dispensing units to apprise the dispensing units of the items and quantities to be shipped for restocking into the dispensing units.

10. (As Filed) A method as in claim 9, further comprising shipping at least some of the ordered items to the dispensing units that are contained in the advanced shipping notice.

11. (As Filed) A method as in claim 10, further comprising electronically sending information contained in the advanced shipping notice from the application computer to the user computer for items that are not stocked in the dispensing units.

12. (As Filed) A method as in claim 10, further comprising restocking the shipped items into the dispensing units, reconciling the restocked items with the advanced shipping notice using the dispensing unit processor, and electronically sending a confirmation receipt to the server computer from the dispensing units.

13. (As Filed) A method as in claim 12, further comprising electronically sending the receipt from the server computer to the supplier computers and to the electronic requisition and purchasing system.

14. (As Filed) A method as in claim 13, further comprising generating an electronic invoice at the supplier computer based on the receipt, and electronically sending the invoice to the business portal computer and the application computer.

15. (As Filed) A method as in claim 14, further comprising electronically transmitting the electronic invoice from the application computer to the electronic requisition and purchasing system, and generating payment using the electronic requisition and purchasing system.

16. – 30. (Previously Canceled)

31. (Amended) A method for supplying consigned items to a plurality of dispensing units, the method comprising:

providing a plurality of dispensing units that each hold a plurality of **[at least one type of]** each of multiple distinct items on consignment from an external supplier, wherein the units have a processor and a memory for storing a record of inventory levels of each distinct item;

periodically sending restocking information from the dispensing units over a network to a server computer, wherein the restocking information includes a restock quantity for each distinct item;

aggregating the restock quantities over the plurality of dispensing units for each of the multiple distinct items;

generating ordering information for the items to be restocked based on the aggregated restocking information; and

electronically sending the ordering information to one or more supplier computers to order items to be restocked into the dispensing unit.

32. (Amended) A method for supplying items to a plurality of dispensing units, the method comprising:

providing a plurality of dispensing units that each hold a plurality of **[at least one type of]** each of multiple distinct items, wherein the units have a processor and a memory for storing a record of inventory levels of each distinct item;

periodically sending restocking information from the dispensing units over a network to a server computer, wherein the restocking information includes a restock quantity for each distinct item;

generating an aggregated list of distinct items and their associated quantities that are to be restocked based on the restocking information;

providing a hosted procurement application to permit manual selection of suppliers, manufacturers, and quantities for the items in the aggregated list;

generating ordering information for the items to be restocked based on the manual selection using the hosted procurement application; and

electronically sending the ordering information to one or more supplier computers to order items to be restocked into the dispensing unit.

33. (As Filed) A method as in claim 32, further comprising electronically posting desired items and quantities using the hosted procurement application to permit suppliers to provide electronic quotes for supplying the supplies.

34. (As Filed) A method as in claim 32, further comprising ordering items that are not on the aggregated list using the hosted procurement application.

35. (As Filed) A method as in claim 32, further comprising electronically posting suppliers, manufactures of items carried by the suppliers and their associated prices using the hosted procurement application to permit manual selection of the suppliers and manufacturers.

36. – 55. (Previously Canceled)